

**F I L E D**

DEC 13 2006

ROBERT D. DENNIS, CLERK  
 U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
 BY *[Signature]* DEPUTY

Name Jeremy Pinson  
 Address 215 N 3rd Street  
Chickasha OK 73018

UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF OKLAHOMA

**CIV - 06-1372 C**

Jeremy Pinson, Plaintiff  
 (Full Name)

CASE NO. \_\_\_\_\_

(To be supplied by the Clerk)

v.

John Whetsel, Defendant(s)  
 Sheriff  
 \_\_\_\_\_

CIVIL RIGHTS COMPLAINT  
 PURSUANT TO 42 U.S.C.  
 §1983

## A. JURISDICTION

1) Plaintiff Jeremy Pinson, is a citizen of Oklahoma  
 (State)  
 who presently resides at 215 N 3rd Street, Chickasha, OK  
 (Mailing address or place  
73018/Grady County  
 of confinement).

2) Defendant John Whetsel is a citizen of  
 (Name of first defendant)  
Oklahoma City, Oklahoma, and is employed as  
 (City, State)  
Sheriff of Oklahoma County. At the time the claim(s)  
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of  
 state law? Yes  No

If your answer is "Yes", briefly explain:

Acting under color of state law the Defendant abused and violated the Plaintiff's  
 constitutional rights through deliberate indifference and neglect in his official capacities

3) Defendant \_\_\_\_\_ is a citizen of \_\_\_\_\_  
*(Name of second defendant)*  
\_\_\_\_\_, and is employed as  
*(City, State)*  
\_\_\_\_\_. At the time the claim(s)  
*(Position and title, if any)*  
alleged in this complaint arose was this defendant acting under color of state law? Yes  No  If your answer is "Yes", briefly explain:  
\_\_\_\_\_  
\_\_\_\_\_

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3); 42 U.S.C. §1983.  
(If you wish to assert jurisdiction under different or additional statutes, you may list them below.) Federal Tort Claims Act 28 USC 1346(b)  
(1) and 2671-80

#### B. NATURE OF THE CASE

1) Briefly state the background of your case. In September 2006 Staff Sergeant Medaniels the unit manager was told of the location of knives, tattoo making equipment, and racial tension in unit 10-D at the OCDC which he reported to Maj. Uranga and Sheriff Whetsel after told by Plaintiff. One morning the Plaintiff gave Lpl. Kirby two tattoo needles, the location of shanks in the ceiling and inmates cells. On or about Sept. 20th the plaintiff sustained a head injury from an assault. The Plaintiff was placed in protective custody with inmate Zachary Clarkson despite complaints of an ongoing feud between Clarkson and the Plaintiff. On or about 10-6-06 Clarkson stabbed the Plaintiff. On 10-13-06 the Plaintiff was moved to the Brady County Jail after Judge David Russell granted a motion to order the USMS to relocate the Plaintiff.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach up to two additional pages (8½" x 11") to explain any allegation or to list additional supporting facts.)

A) (1) Count I: 8<sup>th</sup> Amendment USLA - Violated  
"cruel and unusual punishment" Clause via  
deliberate indifference.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and date. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

1. Sheriff Whetsel was repeatedly warned of knives and danger.
  2. Sheriff Whetsel knew Inmate Clarkson did not get along with and was paranoid of the plaintiff and was unstable because of a history of leaving notes for detention officers.
  3. Sheriff Whetsel allowed I/m Clarkson to be housed in P.C. with I/m Pines and Plaintiff was stabbed in the most secure unit in the jail because staff did not search inmate Clarkson or heed Plaintiff's warnings.
- B) (1) Count II: Federal Tort Claims Act

(2) Supporting Facts:

SEE Section C. 1) A) (2)

C) (1) Count III: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Supporting Facts:

**D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes  No  If your answer Is "Yes", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit:

Plaintiffs: Terence Pinson

Defendants: Renee Watkins, et al.

b) Name of court and docket number USDC WD Okla

CV-D6-323-F

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) Pending

d) Issues raised 8th Viol USCA

e) Approximate date of filing lawsuit 3-28-06

f) Approximate date of disposition N/A

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes  No  . If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.
- 3 Request to Staff filed concerning USM-395 filed on knife issue, and grievance requested, and on grievance filed (see Exhibits 1,2,3) A grievance was filed and 2 USM-395 were filed AFTER stabbing. Also Motion to relocate filed (see Exhibit 9)

E. REQUEST FOR RELIEF

Exhibits 1-3 were answered

- 1) I believe that I am entitled to the following relief:

\$ Actual Damages for physical injury 25,000 Dollars, emotional  
pain and suffering \$10,000.00

\$ 250,000.00 punitive Damages

Permanent injunctive Relief barring Defendant  
from certain actions.

Signature of Attorney (if any)

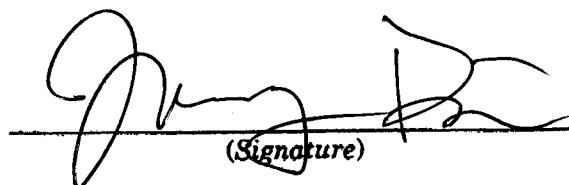
Signature of Petitioner

(Attorney's full address and  
telephone number.)

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. § 1746. 18 U.S.C. § 1621.

Executed at Grady Co Jail on 12/11/06, 199.  
(Location) (Date)



A handwritten signature consisting of two stylized letters, possibly 'J' and 'M', followed by a horizontal line and the word '(Signature)' written below it.